

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

GUTIERREZ, FAUSTINO

DEBTOR

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CASE NO. 03-45871-R
CHAPTER 7

TRUSTEE'S
FINAL REPORT AND PROPOSED DISTRIBUTION

LINDA S. PAYNE, trustee of the estate of the above-named Debtor(s), certifies under penalty of perjury, to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of her office and that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper, and consistent with the law and rules of court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document once filed, constitutes my valid signature for the purposes of 11 U.S.C. § 704(9) and Fed.R.Bankr.Pro.9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation and Report of Proposed Distribution be approved.

Date: December 7, 2004

/s/ Linda Payne
Linda Payne, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

GUTIERREZ, FAUSTINO

DEBTOR

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**CASE NO. 03-45871-R
CHAPTER 7**

**TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE CASE AND
DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced moneys from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The trustee has examined each and every claim filed and noted her approval of claims as filed, or she has filed objections to allowance or requests for reclassification.
8. The Trustee further requests that after final distribution of all moneys in accordance with the Trustee's Report of Final Distribution, and upon filing of a Supplemental Final Report and Account and certification by the U. S. Trustee the trustee be discharged from office and that the case be closed.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: December 7, 2004

/s/ Linda Payne
Linda Payne, Trustee

SCHEDULE A-1

FINAL ACCOUNT AS OF: 12/7/04

A: Receipts **\$2,676.25**

B. Disbursements

1. Secured Creditors-----

2. Administrative-----

3. Priority-----

4. Other- (Exempt Funds to Debtor)-----

Total disbursements-----

C. Current Balance **\$2,676.25**

Form I

Page: 1

Individual Estate Property Record and Report
Asset Cases

Case Number: 03-45871 BTR
 Case Name: GUTIERREZ JR., FAUSTINO
 GUTIERREZ, DONNA

Trustee: (631540) LINDA S. PAYNE
 Filed (f) or Converted (c): 12/18/03 (f)
 §341(a) Meeting Date: 01/12/04
 Claims Bar Date: 05/20/04

Period Ending: 12/07/04

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property <u>Abandoned</u> OA=\$554(a) abandon. DA=\$554(c) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA) Gross Value of Remaining Assets
1	3707 Kelly Blvd, Carrollton - Homestead	190,000.00	0.00	DA	0.00	FA
2	Checking account Used for living expenses	200.00	200.00	DA	0.00	FA
3	Household Goods	1,715.00	0.00	DA	0.00	FA
4	Clothing and jewelry	1,530.00	0.00	DA	0.00	FA
5	Sporting equipment	100.00	0.00	DA	0.00	FA
6	Term Life Insurance	0.00	0.00	DA	0.00	FA
7	IRA	40,000.00	0.00	DA	0.00	FA
8	403 B	9,000.00	0.00	DA	0.00	FA
9	1995 Volvo	3,500.00	0.00	DA	0.00	FA
10	2000 Sunfire Daughter drives.	10,000.00	0.00	DA	0.00	FA
11	2001 Ford Explorer Son drives.	15,000.00	0.00	DA	0.00	FA
12	2001 Camry	13,500.00	0.00	DA	0.00	FA
13	Tax Refund (u)	0.00	2,673.00		2,673.00	FA
14	INTEREST (u)	Unknown	N/A		3.25	Unknown
14	Assets Totals (Excluding unknown values)	\$284,545.00	\$2,873.00		\$2,676.25	\$0.00

Individual Estate Property Record and Report

Asset Cases

Case Number: 03-45671 BTR

Case Name: GUTIERREZ JR., FAUSTINO

GUTIERREZ, DONNA

Period Ending: 12/07/04

Trustee: (631540)

LINDA S. PAYNE

Filed (f) or Converted (c): 12/18/03 (f)

\$341(a) Meeting Date: 01/12/04

Claims Bar Date: 05/20/04

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA-g554(a) abandon. DA-g554(c) abandon.	Sale/Funds Received By the Estate	Asset Fully Administered (FAV) Gross Value of Remaining Assets
Ref. #					

Major Activities Affecting Case Closing:

Tax refund - made demand

Requested bar date

Initial Projected Date Of Final Report (TFR): December 1, 2004

Current Projected Date Of Final Report (TFR): December 1, 2004

Form 2

Page: 1

Cash Receipts And Disbursements Record

Case Number: 03-45871 BTR
 Case Name: GUTIERREZ JR., FAUSTINO
 GUTIERREZ, DONNA
 Taxpayer ID #: 13-7407290
 Period Ending: 12/07/04

Trustee: LINDA S. PAYNE (631540)
 Bank Name: JPMORGAN CHASE BANK
 Account: ***-***-75-65 - Money Market Account
 Blanket Bond: \$300,000.00 (per case limit)
 Separate Bond: N/A

1 Trans. Date	2 {Ret #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 T-Code	6 Receipts \$	7 Disbursements \$	8 Money Market Account Balance
04/07/04	{13}	IRS	Tax Refund	1224-000	2,673.00		2,673.00
04/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	0.24		2,673.24
05/28/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	0.34		2,673.58
06/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	0.33		2,673.91
07/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.1500%	1270-000	0.34		2,674.25
08/31/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	0.42		2,674.67
09/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2000%	1270-000	0.44		2,675.11
10/29/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	0.48		2,675.59
11/30/04	Int	JPMORGAN CHASE BANK	Interest posting at 0.2500%	1270-000	0.55		2,676.14
12/07/04	Int	JPMORGAN CHASE BANK	Current Interest Rate is 0.2500%	1270-000	0.11		2,676.25
12/07/04		To Account #*****7566	Final Report	9999-000		2,676.25	0.00

ACCOUNT TOTALS

Less: Bank Transfers

Subtotal

Less: Payments to Debtors

NET Receipts / Disbursements

2,676.25	2,676.25	\$0.00
0.00	2,676.25	
2,676.25	0.00	
\$2,676.25	\$0.00	

Form 2

Page: 2

Cash Receipts And Disbursements Record

Case Number: 03-45871 BTR
Case Name: GUTIERREZ JR., FAUSTINO
GUTIERREZ, DONNA
Taxpayer ID #: 13-7407290
Period Ending: 12/07/04

Trustee: LINDA S. PAYNE (631540)
Bank Name: JPMORGAN CHASE BANK
Account: ***_****75-66 - Checking Account
Blanket Bond: \$300,000.00 (per case limit)
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
12/07/04		From Account #*****7565	Final Report	9999-0001	2,676.25		2,676.25
ACCOUNT TOTALS							
					2,676.25	0.00	\$2,676.25
			Less: Bank Transfers		2,676.25	0.00	
			Subtotal		0.00	0.00	
			Less: Payments to Debtors			0.00	
			NET Receipts / Disbursements		\$0.00	\$0.00	
TOTAL - ALL ACCOUNTS							
					Net Receipts	Net Disbursements	Account Balances
			MIMA # ***_****75-65		2,676.25	0.00	0.00
			Checking # ***_****75-66		0.00	0.00	2,676.25
					\$2,676.25	\$0.00	\$2,676.25

Trustee's Compensation**Debtor: GUTIERREZ JR., FAUSTINO****Case: 03-45871****Computation of Compensation**

Total disbursements to other than the debtor are:		2,676.25
Pursuant to 11 U.S.C. 326, compensation is computed as follows:		
25% of First \$5,000	2,676.25 =	669.06
10% of Next \$45,000	0.00 =	0.00
5% of Next \$950,000	0.00 =	0.00
3% of Balance	0.00 =	0.00
Calculated Total Compensation:		\$669.06
Plus Adjustment:		0.00
Total Compensation:		\$669.06
Less Previously Paid:		0.00
Total Compensation Requested:		\$669.06

Trustee Expenses

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	20 copies at 25.0 cents per copy	5.00
Postage		6.54
Telephone Charges		0.00
Clerical / Secretarial	2.00 hours at 20.00 dollars per hour	40.00
Paralegal Assistance	0.00 hours at 0.00 dollars per hour	0.00
Supplies / Stationery		0.00
Distribution Expenses		0.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00
Subtotal Expenses:		\$51.54
Plus Adjustment:		0.00
Total Expenses:		\$51.54
Less Previously Paid:		0.00
Total Expenses Requested:		\$51.54

The undersigned Trustee certifies under penalty of perjury that the foregoing is true and correct to the best of his/her knowledge and requests the United States Trustee to approve this report and accounts and requests the Court to provide for notice and opportunity for a hearing under 11 U.S.C. 330(a), 502(b), and 503(b) and to thereafter award final compensation or reimbursement of expenses and to make final allowance for the purposes of distribution to claims, administrative expenses, and other payments stated in this report and account.

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted an allowance of \$669.06 as compensation and \$51.54 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him/her for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

Dated: 12/07/04

Signed: _____

LINDA S. PAYNE
100 NORTH MAIN ST.

PARIS, TX 75460

Exhibit "A"**Period: 01/01/00 - 12/07/04****Trustee: LINDA S. PAYNE (631540)****Case Number: 03-45871****Case Name: GUTIERREZ JR., FAUSTINO****Case Type: Assets****Judge: Brenda T. Rhoades****Petition Date: 12/18/03****341a Meeting: 01/12/04 15:30****Category: CLERICAL**

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
12/07/04	Prepare final report	2.00	\$20.000	\$40.00
Total for category CLERICAL:		2.00		\$40.00

Category: COPIES

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
12/07/04	Final Report	20.00	\$0.250	\$5.00
Total for category COPIES:		20.00		\$5.00

Category: POSTAGE

<u>Date</u>	<u>Description</u>	<u>Hours/Unit</u>	<u>Rate</u>	<u>Total</u>
12/07/04	Mail distribution checks	7.00	\$0.370	\$2.59
12/07/04	Mail bank statements to UST	1.00	\$3.950	\$3.95
Total for category POSTAGE:		8.00		\$6.54

Total for case 03-45871: \$51.54**Grand Total: \$51.54**

**SCHEDULE C
EXPENSES OF ADMINISTRATION**

	AMOUNT CLAIMED	AMOUNT PAID	AMOUNT DUE
1. 11 U.S.C. Sec 507(a)(1) <u>Court Cost and Fees</u> A. Notice & Claim Fees \$ B. Adv. filing fees C. Quarterly Chapt 11			
2. 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of estate</u> A. Transportation B. Storage C. Wages D. Estates share FICA E. Insurance F. Other (itemize) G. Chapt 11 Trade H. Closing Cost on Real Estate			
3. 11 U.S.C. Sec.503(b)(2) <u>Post-Petition Taxes and related penalties</u>			
4. 11 U.S.C. Sec.503(b)(2) <u>Compensation and Reimbursement</u> A. Trustee Fees B. Trustee Expenses C. Attorney to Trustee D. Expenses for Attorney To Trustee E. Debtor's Attorney F. Auctioneer Fees G. Auctioneer Expenses	669.06 51.54	0 0	669.06 51.54
5. Other (Itemize)			
TOTAL-----	720.60	0	720.60

SCHEDULE D

SECURED CLAIMS

Claim #	Claimant	Amount Claimed	Amount Not Determined	Amount Allowed	Previously Paid	Amount Due
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Total approved Secured Claims \$

SCHEDULE E

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES IN THE FOLLOWING ORDER OF PRIORITY

	(1) Claim No.	(2) Amt. Claimed	(3) Amt. Allowed	(4) Amt. Paid	(5) Amt. Due
1. For Credit Extended §364(e)(1)					
2. Claims from failure of adequate protection §307 (a)(b)					
3. "Gap Claims" §507 (a)(2)					
4. Wages, etc. §507 (a)(3)					
5. Contributions to benefit plans §507 (a)(4)					
6. Engaged in raising of grain or fisherman §507 (a)(5)					
7. Consumer deposits §507 (a)(6)					
8. Alimony or child support §507 (a)(7)					
9. Taxes §507 (a)(8)					

TOTAL ALLOWED PRIORITY CLAIMS: \$

TIMELY FILED ALLOWED UNSECURED CLAIMS TOTAL \$ 75,908.80

/s/ Linda S. Payne
Linda S. Payne, Trustee

Claims Distribution Register

Case: 03-45871 GUTIERREZ JR., FAUSTINO

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
Admin Ch. 7 Claims:								
	12/18/03	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2200-00 Trustee Expenses>	51.54	51.54	0.00	51.54	51.54
	12/18/03	200	LINDA S. PAYNE 100 NORTH MAIN ST. PARIS, TX 75460 <2100-00 Trustee Compensation>	669.06	669.06	0.00	669.06	669.06
Total for Priority 200: 100% Paid				\$720.60	\$720.60	\$0.00	\$720.60	\$720.60
Total for Admin Ch. 7 Claims:				\$720.60	\$720.60	\$0.00	\$720.60	\$720.60

Unsecured Claims:

1	03/03/04	610	Chase Manhattan Bank USA, N.A. c/o Chase BankCard Services, Inc. P O Box 52176 Phoenix, AZ 85072-2176 <7100-00 General Unsecured § 726(a)(2)> Unsecured	20,614.59	20,614.59	0.00	20,614.59	531.10
2	03/05/04	610	Bank of America, N.A. P O Box 2278 Norfolk, VA 23501-2278 <7100-00 General Unsecured § 726(a)(2)> Unsecured	13,363.42	13,363.42	0.00	13,363.42	344.28
3	03/05/04	610	Bank of America, N.A. P O Box 2278 Norfolk, VA 23501-2278 <7100-00 General Unsecured § 726(a)(2)> Unsecured	7,700.22	7,700.22	0.00	7,700.22	198.38
4	03/09/04	610	Capital One Bank P O Box 85167 Richmond, VA 23285 <7100-00 General Unsecured § 726(a)(2)> Unsecured	3,062.19	3,062.19	0.00	3,062.19	78.89
5	03/18/04	610	Chase Manhattan Bank USA, N.A. c/o Chase BankCard Services, Inc. P O Box 52176 Phoenix, AZ 85072-2176 <7100-00 General Unsecured § 726(a)(2)> Unsecured	7,218.85	7,218.85	0.00	7,218.85	185.98
6	04/05/04	610	Discover Financial Services P O Box 8003 Hilliard, OH 43028 <7100-00 General Unsecured § 726(a)(2)> Unsecured	6,851.90	6,851.90	0.00	6,851.90	176.53

Claims Distribution Register

Case: 03-45871 GUTIERREZ JR., FAUSTINO

Claim #	Date	Pri	Claimant / Proof / <Category> / Memo	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment
7	05/10/04	610	MBNA America Bank N.A. P O Box 15168 MS 1423 Wilmington, DE 19850 <7100-00 General Unsecured § 726(a)(2)> Unsecured	17,097.63	17,097.63	0.00	17,097.63	440.49
Total for Priority 610: 2.67632% Paid				\$75,908.80	\$75,908.80	\$0.00	\$75,908.80	\$1,955.65
Total for Unsecured Claims:				\$75,908.80	\$75,908.80	\$0.00	\$75,908.80	\$1,955.65
Total for Case :				\$76,629.40	\$76,629.40	\$0.00	\$76,629.40	\$2,676.26